

REMARKS

Claims 1-12 are pending in the application. Claim 12 stands rejected under 35 U.S.C. 112, first and second paragraph. Claims 4, 5, 6, 10, and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. U.S. Pat. Pub. No. 2001/0012281 ("Hall") in view of Larkins U.S. Pat. No. 6,295,291 ("Larkins"). Claims 1, 2, 3, 9, and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Larkins in view of Duncan et al., U.S. Pat. Pub. No. 2002/0107002 ("Duncan"). Claims 7 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Larkins in view of Duncan and in further view of Hall. Applicant respectfully traverses all rejections. Claims 1, 4, 5, and 12 are independent claims.

With regard to 35 U.S.C. 112, the Examiner rejected claim 12 under the first and second paragraph for failing to comply with the written description requirement and for failing to particularly point out and distinctly claim the invention, respectively. Applicant, however, believes that the written description requirement is satisfied because the specification of the present application describes in detail that two networks are included in certain embodiments of the present invention. Specifically, Figure 4 illustrates an exemplary internet network and an exemplary cellular/satellite network in accordance to the present invention. Paragraph [0067] describes an Internet component accessible via a computer 20 and wireless components accessible via a mobile phone 12. Reference to this particular embodiment is for purposes of showing support, and it is not intended to be read into the claims.

An applicant may show possession of an invention by disclosure of drawings. *See, e.g., Vas-Cath, Inc. v. Mahurkar*, 935 F.2d at 1565, 19 USPQ2d at 1118 (Fed. Cir. 1991) (drawings alone may provide a written description of an invention as required by §112). The description need only describe in detail that which is new or not conventional. *See Hybritech v. Monoclonal Antibodies*, 802 F.2d at 1384, 231 USPQ at 94 (Fed. Cir. 1986). As such, a first and second network is described in such a way as to reasonably convey to one skilled in the relevant art that the Applicant had possession of the claimed invention. As discussed above, the specification discloses the claimed first and second network in detail. Consequentially, claim 12 particularly points out and distinctly claims at least one embodiment of the invention as disclosed in the

present application. Therefore, Applicant respectfully requests that the rejections of claim 12 under 35 U.S.C. 112, First and Second Paragraph, be withdrawn.

With regard to the 35 U.S.C. 103 (a) rejections, Applicant believes that the references cited by the Examiner fail to teach or suggest each and every element as claimed by the present invention. For example, the claimed methods and systems relate to the term configuration information, which is distinguished from the disclosures cited. In describing a method for turning display features on and off again, Hall merely discloses a web page that includes a virtual display which simulates the display of a real mobile phone so that an user may configure the phone's display to show a feature, such as a clock, a calendar, and/or a calculator. *See e.g.* Paragraphs [0015]-[0016]. In addition, Hall discloses that such applications may be downloaded to a mobile phone. *See e.g.* Paragraph [0019]. However, Hall fails to disclose configuration information that includes settings for communications applications.

Applicant's specification details the process of configuring particular communications settings needed for new services such as MMS, photo sharing, tribes, games, and contact services. *See* Paragraph [0075]. It is explained that the mobile phone may need to have certain data configured, such as WAP, MMS, operator, emailing and management settings. *See* Paragraph [0074]-[0075] and Figure 6. In order to provide the basic initial setup functionality, operators may need to enter the operator-specific settings for items such as ISP, WAP, gateway, MMS etc. *See* Paragraph [0097]. Configuration of a mobile phone, as used in the present invention, includes setting certain parameters on the device such as WAP gateway settings, IP address, data communication accounts, connection type, user identification, password, and DNS settings. *See* Paragraph [0101]. It is this initial set-up and configuration of current and next generation mobile phones that is frustrating for the user and costly for the operator. As such, the present invention provides the solution of over the air configuration (OTA) technology which will configure the mobile phone settings in a single keystroke. Through the use of a personalized webpage, an user may access and change such settings of his or her mobile phone communications applications. *See* Paragraph [0102] -[0105].

The other references, Larkin and Duncan, do not cure the defect relating to Hall's failure to disclose configuration information of a mobile phone. Larkins simply tracks subscribers'

registration and service plan. *See e.g.* Col. 2 Lines 54-56. Larkin uses a billing system and an authentication center to collect data in order to verify which services should be enabled. *See* Col. 4 Lines 62-66; and Abstract. The parameters transmitted in Larkin merely include authentication information such as directory numbers. *See* Col. 3, lines 33-41. Duncan also fails to disclose such configuration information as it merely discloses a webpage with link of further information. *See e.g.* Claim 1. Because the cited references fail to teach or suggest configuration information, the present invention is distinguished.

Nonetheless, Application has herein amended the independent claims in the above respect to clarify what is claimed, as indicated above. In particular, the phrase “the configuration information includes at least one setting of a mobile phone communications application” has been added to the independent claims. Support for these amendments can be found, *e.g.*, in Paragraphs [0074]-[0075] and [0101] of Applicant’s specification. The claims now clearly require, *inter alia*, that configuration information includes certain settings and parameters in order to configure the mobile phone. In addition, two new claims, claim 13 and 14, have added to further to more fully claim the invention as disclosed in the present Application.

Nevertheless, Applicant also believes that the present invention is patentable because the combination or modification of the references is not obvious. Specifically, it would not be obvious to modify the teachings of Hall with those of Larkins to provide access to a website via a mobile phone instead of a computer. Although Larkins discloses a radiotelephone with a web browser, Hall clearly limits itself to the situation where an “user can access the web page from a personal or business *computer*.” *See* Hall’s [0013] and Abstract. While Hall allows mobile phone users to select display preferences from a simulation on a webpage viewable on a computer, the present invention allows users to access and change a mobile phone’s configurations using a web page displayed on the mobile phone itself.

Hall does not disclose the use of mobile phones to access web pages. Contrary to the Examiner’s assertion on page 4 of the pending Office Action, Hall’s Description of Related Art does not discuss mobile phones capable of “accessing and navigating through web sites.” Paragraph [0005] of Hall merely points out that some phones did not provide users with the

option to turn certain display features (such as clock or calendar displays) on and off and that some phones had inconsistent and inconvenient ways to customize the displays on the phones. While Hall discloses that prior phones had the capability to enable and disable certain display features via the phone itself, Hall does not teach or suggest websites accessible via mobile phones, much less a webpage that displays configuration information via the mobile phone itself. Indeed, Hall discloses a simulated mobile phone display on a computer's webpage; but not a webpage displayed on a mobile phone.

Moreover, Applicant believes that the other two references cited fail to provide any motivation to enhance the experience of mobility by allowing users to personalize and configure their mobile phone communications applications via a mobile phone's webpage based on information associated with the phone itself. Larkins merely discloses a website that allows a subscriber to update a service plan relating to billing information and authentication information. While it may teach transmitting billing and authentication information in order to subscribe users to a service, Larkins fails to teach or suggest configuring a phone's settings via a webpage that displays the phone's information. Duncan also does not relate to the configuration of settings as it simply discloses a personalized web page which contains links that merely provide access to additional information like any other browser is capable of providing. Duncan fails to teach or suggest that a mobile phone's information may be displayed via the phone's webpage, much less configured. Larkins and Duncan both fail to disclose transmitting configuration information to a mobile phone using information associated with the mobile phone and the user's preferences. As such, Applicant respectfully believes that one would not have been motivated to modify Hall, Larkins and Duncan.

A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. KSR Int'l Co. v. Teleflex, 127 S.Ct 1727, 1741 (2007). The factfinder should be aware of the distortion caused by hindsight bias. KSR Int'l Co. v. Teleflex, 127 S.Ct at 1742. In determining whether a claimed invention is an obvious combination of prior art references, it must be shown that there is an apparent reason to combine the known elements in the fashion claimed. Id. at 1741. The Examiner has not advanced a sufficient rationale as to why a person skilled in the art would have

been motivated to combine Larkins, Duncan and Hall in the manner described in the present Office Action.

Further, it is well established that, in order to show obviousness, all limitations must be taught or suggested by the prior art. In Re Royka, 180 U.S.P.Q. 580, 490 F.2d 981 (CCPA 1974); MPEP § 2143.03. It is error to ignore specific limitations distinguishing over the references. In Re Boe, 184 U.S.P.Q. 38, 505 F.2d 1297 (CCPA 1974); In Re Saeffer, 181 U.S.P.Q. 36, 492 F.2d 849 (CCPA 1974); In Re Glass, 176 U.S.P.Q. 489, 472 F.2d 1388 (CCPA 1973). Moreover, the Court of Appeals for the Federal Circuit has consistently held that where a claim is dependent upon a valid independent claim, the independent claim is *a fortiori* valid because it contains all the limitations of the independent claim plus further limitations. See, e.g., Hartness Intern. Inc. v. Simplimatic Engineering Co., 819 F.2d 1100, 1108 (Fed. Cir. 1987). Because the claims recite limitations not taught or suggested by the prior art, Applicant asserts that the independent claims, and their dependent claims, are patentable. It is respectfully submitted that the §103 obviousness rejections must be withdrawn.

It is submitted that claims 1-14 are in condition for allowance, and Notice to that effect is respectfully solicited. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, she is courteously requested to contact applicant's undersigned representative.

AUTHORIZATION

The Commissioner is authorized to charge any additional fees associated with this filing, or credit any overpayment, to Deposit Account No. 50-2638. If an extension of time is required, this should be considered a petition therefor.

Respectfully submitted,

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